

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

Adv. Pro. No. 08-01789 (BRL)

v.

SIPA Liquidation

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

**CLAIM OF ROBERT C. JOSEFSBERG**

Debtor.

**OPPOSITION/OBJECTION TO TRUSTEE'S NOVEMBER 19, 2009**  
**DETERMINATION OF CLAIM**

COMES NOW Robert C. Josefsberg and files his opposition and objection to the Trustee's November 19, 2009, Determination of Claim and requests a hearing before Bankruptcy Judge Burton R. Lifland on the following grounds:

1. The Trustee's Determination of Claim states that "no securities were ever purchased for your account". I received "statements" over a period of approximately 15 years showing the purchase and sale of securities. It is obvious that I was defrauded, whether Madoff purchased securities or not. I obviously do not have access to the internal Madoff documents, and therefore have no knowledge of the extent of the fraud that has been committed. If, in fact, there were no securities ever purchased for my account, I request that either the Trustee specifically research my account and advise me that no securities were purchased for 15 years, or that I be given access to the documents that are the basis of the Trustee's statement that no securities were ever purchased for my

account.

2. I disagree with the Trustees's analysis as to the net equity in my account. My claim is solely on behalf of Robert C. Josefsberg; not on behalf of J. Danto and B. Pearson (my sisters-in-law). J. Danto and B. Pearson contributed \$20,000 each to this account at the end of March 1993. Thereafter, between March 31, 2000 and April 1, 2003, they were bought out of this account. It is documented that I, Robert C. Josefsberg, personally put \$40,000 less into the account than is stated in the Trustee's Table No. 1, and I paid out of the account to J. Danto and B. Pearson approximately \$125,000. Therefore, my personal withdrawals from the account is \$125,000 less than is stated in Table No. 1. This reduces my net equity by \$85,000.

3. Additionally, there are other errors/omissions in Table No. 1. Therefore, on a cash-on-cash basis, I believe that I was a net loser.

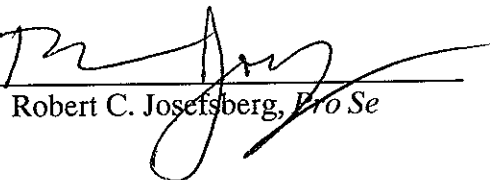
4. If the conclusion that no securities were ever purchased in my account is final and irrevocable, the fact that I am a net loser may be irrelevant for these proceedings. However, I do want to make it clear that I disagree with and object to the Trustee's determination that I received \$202,434.65 in excess of my deposits.

5. Attached is a copy of my Notice of Claim and a copy of the Trustee's Determination of Claim.

DATED this 15<sup>th</sup> day of December, 2009.

Respectfully submitted,

By:

  
Robert C. Josefsberg, *Pro Se*